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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,585	11/04/2005	Par Nylander	08806.0187-00	4407
22852 7590 04/30/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER WHITE, RODNEY BARNETT	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/555,585	Applicant(s) NYLANDER ET AL.	
	Examiner Rodney B. White	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 12, the phrase "cooperating with each other" is unclear and confusing language.

In claim 4, the phrase "wherein the element is included in the means cooperating with each other and consists of a back of a chair" is unclear and confusing language.

The aforementioned problem renders the claim vague and indefinite.
Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, and 11 so far as understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Fortner (U.S. Patent No. 4,948,156).

Fortner teaches a patient chair comprising a chassis comprising a frame a seating device intended for the patient and connected to the chassis, a driving device 11 for moving the seating device relative to the frame in the vertical direction between a lower and an upper position, wherein in the upper position, the seating device and, a patient sitting in it are inclined backwards relative to the lower position, a stand which belongs to the chassis and extends upwards from the frame, an element 2 which is connected to the stand and which is continuously arched, and means cooperating with each other and positioned on the stand and the seating device for guiding the seating device along the element in the movement of the seating device between the lower and upper positions, so that the seating device is continuously gradually tilted in the course of its curved movement in the vertical direction, wherein the stand itself constitutes the element, wherein the seating device includes a seat of a chair and a back of a chair, which form a unit, herein the element is included in the means cooperating with each other and consists of a back of a chair, wherein the element constitutes the stand and includes a back of a chair, and the seating device consists of a seat of a chair, wherein the driving device 11 is manual, for instance a hand-operated winch (See Fig. 10), wherein the driving device has a pulling effect on the seating device, wherein at least one plate-shaped calf rest with a calf rest pad is mounted on the patient chair, which and wherein the calf rest is arranged by means of a joint arrangement to be pivotable between an inactive end position where the extent of the calf rest pad is

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essentially parallel to one side of the patient chair and the calf rest pad is located close to the patient chair, and an active end position where the calf rest pad is capable of supporting the patient's leg when extended, away from the patient chair (see "calf rest" in Fig. 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fortner in view of Gutierrez (U.S. Patent No. 6,619,681 B2).

Fortner teaches the structure substantially as claimed but does not teach that drive device is an electric motor. However, Gutierrez teaches a patient chair that uses a motor as the drive device. It would have been obvious and well within the level of ordinary skill in the art to modify the patient chair, as taught by Fortner to include a motor as a drive device, as taught by Gutierrez, since one is an alternative conventional method of lifting the chair of the other and since the motor would make it easier for the patient to lift himself, especially depending on his degree of disablement or a lack of strength.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortner in view of van Rhyn (U.S. Patent No. 3,629,880).

Fortner teaches the structure substantially as claimed but does not teach that drive device is a hydraulic assembly. However, van Rhyn teaches a patient chair that uses a hydraulic assembly as the drive device and wherein the driving device has a pushing effect on the seating device. It would have been obvious and well within the level of ordinary skill in the art to modify the patient chair, as taught by Fortner to include a hydraulic assembly as a drive device, as taught by van Rhyn, since one is an alternative conventional method of lifting the chair of the other and since the motor would make it easier for the patient to lift himself, especially depending on his degree of disablement or a lack of strength.

Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

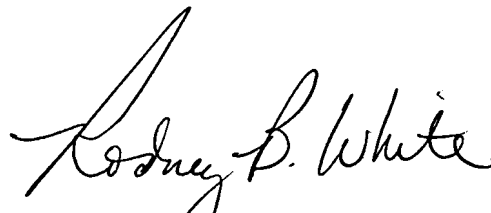
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hind et al, Bressler, Mashuda., Fogg, Jr. et al, Deucher, Ausmus, Andreasson, Wier et al, Tanaka et al, Pillot, Meyer et al, Houston et al, Tholkes, Mankowski, Smith, Kauffmann, Deumite, Meyer, Poindexter, Porcheron, Abelbeck et al, Komura et al, Shea et al, and Duarte teach patient chairs similar to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,
Patent Examiner
Art Unit 3636
April 28, 2007



RODNEY B. WHITE
PRIMARY EXAMINER